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March 5, 2010

BY ECF

Honorable Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Charles Collette, et al. v. City of New York, et al.,
CV 09 3813 (FB) (SMG)

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendant City of New York in the above-referenced matter. Enclosed please find a Stipulation and Order of Settlement and Dismissal which has been executed by the parties and is being submitted for the Court's endorsement and filing.

I thank the Court for its attention to this matter.

Respectfully submitted,

/S
Brian J. Farrar
Assistant Corporation Counsel
Special Federal Litigation Division

Enc.

cc: Robert Marinelli, Esq. (by ECF)
Attorney for Plaintiff
305 Broadway, Suite 1400
New York, New York 10007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
Charles Collette and Bernard Vandroff

Plaintiff,

-against-

THE CITY OF NEW YORK, Frank Ingrao (SHIELD
NO. 31014), JOHN DOE (representing an unidentified
police officer),

Defendants.

09 CV 3813 (FB) (SMG)

STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL

WHEREAS, plaintiffs CHARLES COLLETTE and BERNARD VANDROFF commenced an action entitled Charles Collette, et al. v. City of New York, et al., 09 CV 3813 (FB) (SMG), in the United States District Court for the Eastern District of New York, on September 2, 2009, by filing a complaint in the United District Court for the Eastern District of New York, alleging, *inter alia*, violations of their civil rights pursuant to 42 USC § 1983; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations in this action; and

WHEREAS, the parties now desire to resolve the issues raised in this action, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York, on behalf of defendants City of New York and Frank Ingrao, hereby agrees to pay: (1) plaintiff **CHARLES COLLETTE** the sum of **TWELVE**

THOUSAND (\$12,000.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees in this action, and (2) plaintiff **BERNARD VANDROFF** the sum of **TEN THOUSAND (\$10,000.00) DOLLARS** in full satisfaction of all claims, including claims for costs, expenses and attorney fees in this action. In consideration for the payment of these sums, plaintiffs agree to the dismissal of all the claims against City of New York and Frank Ingrao in this action, and to release defendants and all present and former employees and agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Each plaintiff shall execute and deliver to defendant City of New York's attorneys all documents necessary to effect this settlement, including, without limitation a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement


entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
_____, 2010

Robert Marinelli, Esq.
Attorney for Plaintiffs
305 Broadway, 14th Floor
New York, New York 10007

By: 
Robert Marinelli, Esq.

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By: 
Brian J. Farrar
Assistant Corporation Counsel

SO ORDERED:

FREDERIC BLOCK, U. S. D. J.